

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02346-TNM**

DEMOCRACY FORWARD FOUNDATION v. UNITED
STATES DEPARTMENT OF VETERANS AFFAIRS
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 10/11/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DEMOCRACY FORWARD
FOUNDATION**

represented by **Benjamin M. Seel**
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 701-1793
Email: bseel@democracyforward.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam Anderson Grogg
U.S. HOUSE OF REPRESENTATIVES
Office of General Counsel
219 Cannon House Office Building
Washington, DC 20515
(202) 225-9700
Email: adam.grogg@mail.house.gov
TERMINATED: 08/08/2019

V.

Defendant

**UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS**

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123
Fax: (202) 252-2599
Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 400 receipt number 0090-5732299) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Grogg, Adam) (Attachment 2 replaced on 10/12/2018) (zjd) (Entered: 10/11/2018)
10/11/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by DEMOCRACY FORWARD FOUNDATION (Grogg, Adam) (Main Document 2 replaced on 10/12/2018) (zjd). (Entered: 10/11/2018)
10/12/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zjd) (Entered: 10/12/2018)
10/12/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 10/12/2018)

10/12/2018	<u>4</u>	Case randomly reassigned to Judge Trevor N. McFadden. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 10/12/2018)
10/12/2018	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 10/12/2018. (lctnm2) (Entered: 10/12/2018)
10/22/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/19/2018. (Answer due for ALL FEDERAL DEFENDANTS by 11/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS served on 10/17/2018 (Attachments: # <u>1</u> Declaration)(Grogg, Adam) (Entered: 10/22/2018)
11/15/2018	<u>7</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(McBride, Patricia) (Entered: 11/15/2018)
11/15/2018	<u>8</u>	ENTERED IN ERROR..... MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia); Modified on 11/16/2018 (tth). (Entered: 11/15/2018)
11/16/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>8</u> MOTION for Extension of Time to File Answer was entered in the wrong case. Please refile said pleading in the correct case. (tth) (Entered: 11/16/2018)
11/19/2018	<u>9</u>	Order. The parties shall file a Joint Status Report proposing a schedule for proceeding in this matter no later than December 19, 2018. See attached order for further details. Signed by Judge Trevor N. McFadden on 11/19/2018. (lctnm2) (Entered: 11/19/2018)
11/20/2018		Set/Reset Deadlines: Joint Status Report due by 12/19/2018. (hmc) (Entered: 11/20/2018)
12/06/2018	<u>10</u>	AMENDED COMPLAINT against All Defendants filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Exhibit)(Grogg, Adam) (Entered: 12/06/2018)
12/19/2018	<u>11</u>	NOTICE of Filing Redline by DEMOCRACY FORWARD FOUNDATION re <u>10</u> Amended Complaint (Grogg, Adam) (Entered: 12/19/2018)
12/19/2018	<u>12</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Grogg, Adam) (Entered: 12/19/2018)
12/19/2018		MINUTE ORDER. Upon consideration of <u>12</u> the Parties' Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before January 16, 2019. Signed by Judge Trevor N. McFadden on 12/19/2018. (lctnm2,) (Entered: 12/19/2018)
12/20/2018		Set/Reset Deadlines: Joint Status Report due by 1/16/2019. (hmc) (Entered: 12/20/2018)
01/10/2019	<u>13</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse in Appropriations</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/10/2019)
01/11/2019		MINUTE ORDER granting <u>13</u> Motion to Stay; <u>13</u> Motion for Extension of Time. Upon considering the Defendant's <u>13</u> Consent Motion to Stay and for Extension of Time, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. Because the Department of Veteran's Affairs is unaffected by the ongoing lapse in appropriations, however, it shall continue to meet its processing and production obligations under the Freedom of Information Act. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. It is further ordered that the VA's deadline to respond to the Plaintiff's <u>10</u> Amended Complaint shall be extended nunc pro tunc. The VA shall file its response on or before 14 days after appropriations are restored to the Department of Justice. Signed by Judge Trevor N. McFadden on 1/11/2019. (lctnm2) (Entered: 01/11/2019)

02/13/2019		MINUTE ORDER. On January 11, 2019, the Court ordered the Defendant to "notify the Court immediately upon resumption of appropriations." The Defendant failed to do this. The stay in this case is hereby lifted because Congress has restored appropriations to the Department of Justice. Further, the Defendant shall respond to the Plaintiff's <u>10</u> Amended Complaint on or before February 20, 2019. The parties are hereby further ORDERED to file a Joint Status Report on or before February 27, 2019, including a proposed schedule for any further proceedings that they think are necessary. Signed by Judge Trevor N. McFadden on 2/13/2019. (lctnm2) (Entered: 02/13/2019)
02/13/2019		Set/Reset Deadlines: Defendant's response to Plaintiff's Amended Complaint due by 2/20/2019. Joint Status Report due by 2/27/2019. (hmc) (Entered: 02/13/2019)
02/19/2019	<u>14</u>	ANSWER to <u>10</u> Amended Complaint by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(McBride, Patricia) (Entered: 02/19/2019)
02/27/2019	<u>15</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Grogg, Adam) (Entered: 02/27/2019)
02/28/2019		MINUTE ORDER. Upon considering the parties' <u>15</u> Joint Status Report, the parties are hereby ordered to appear for a status conference before Judge Trevor N. McFadden on March 14, 2019, at 10 am in Courtroom 2. Signed by Judge Trevor N. McFadden on 02/28/2019. (lctnm2) (Entered: 02/28/2019)
02/28/2019		Set/Reset Hearings: Status Conference set for 3/14/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 02/28/2019)
03/14/2019		MINUTE ORDER. The parties are hereby ordered to adhere to the following schedule: the Defendant shall process 500 pages of records per month, and any monthly shortfall will be made up in the following month; the Defendant shall make its first production of responsive documents to the Plaintiff on or before April 30, 2019, and the Defendant shall continue to make productions by the end of every month thereafter. On or before May 8, 2019, the parties shall file a Joint Status Report updating the Court on the Defendant's processing of the Plaintiff's request and productions made by the Defendant; the parties shall file further Joint Status Reports every 60 days thereafter. SO ORDERED. Signed by Judge Trevor N. McFadden on 03/14/2019. (lctnm2) (Entered: 03/14/2019)
03/14/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 3/14/2019. Defendant's first production of responsive documents due by 4/30/2019, and by the end of every month thereafter. Joint Status Report due by 5/8/2019, and every 60 days thereafter. (Court Reporter: Elizabeth Saint-Loth.) (hmc) (Entered: 03/14/2019)
04/05/2019	<u>16</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Trevor N. McFadden held on 3/14/2019; Page Numbers: 1 – 7. Date of Issuance: 04–05–2019. Court Reporter/Transcriber Elizabeth SaintLoth, Telephone number 202–354–3242, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 4/26/2019. Redacted Transcript Deadline set for 5/6/2019. Release of Transcript Restriction set for 7/4/2019.(Saint-Loth, Elizabeth); Modified hearing date on 4/8/2019 (tth). (Entered: 04/05/2019)</p>
05/06/2019	<u>17</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Grogg, Adam) (Entered: 05/06/2019)

07/02/2019	<u>18</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Grogg, Adam) (Entered: 07/02/2019)
07/03/2019		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is hereby ordered that the Defendant shall make its next document production to the Plaintiff on or before August 31, 2019. As instructed in the Court's March 14, 2019 Minute Order, the Defendant must produce at least 500 pages of documents. It is further ordered that the parties shall then resume the regular production schedule set in the Court's March 14, 2019 Minute Order: the Defendant shall produce at least 500 pages of documents by the end of each month. Signed by Judge Trevor N. McFadden on 07/03/2019. (lctnm2) (Entered: 07/03/2019)
07/03/2019		Set/Reset Deadlines: Defendant's next document production due by 8/31/2019. (hmc) (Entered: 07/03/2019)
08/08/2019	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Benjamin M. Seel on behalf of DEMOCRACY FORWARD FOUNDATION Substituting for attorney Adam Grogg (Seel, Benjamin) (Entered: 08/08/2019)
09/03/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (McBride, Patricia) (Entered: 09/03/2019)
09/04/2019		MINUTE ORDER. Upon consideration of the parties <u>20</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before October 3, 2019. The status report should advise the Court about the Defendants processing of the Plaintiffs FOIA request and propose how the parties would like to proceed in this matter. Signed by Judge Trevor N. McFadden on 09/04/2019. (lctnm2) (Entered: 09/04/2019)
09/05/2019		Set/Reset Deadlines: Joint Status Report due by 10/3/2019. (hmc) (Entered: 09/05/2019)